



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEDGEYE RISK MANAGEMENT, LLC,

Plaintiff,

- against -

DARIUS DALE, et al.

Defendants.
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21-CV-3687 (ALC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

By letter motion dated December 8, 2022 (Dkt. 403), Defendants seek a protective order quashing Hedgeye's subpoenas to Dropbox, Twitter, Longbow, Eric Berman and Leonardo Cardoso. Defendants' motion is granted for substantially the reasons set forth in Defendants' letters at Dkt. 403 and 419. The Court grants the protective order pursuant to Rule 45(d)(3)(A)(iv) and Rule 26(c)(1) with respect to the subpoenas to Dropbox and Twitter, and pursuant to Rule 26(c)(1) with respect to the remaining subpoenas. Plaintiff's arguments in support of the subpoenas are not persuasive. (See Dkt. 413.) Among other defects, the relevant material sought from Dropbox and Twitter has been sought and produced by Defendants thus making the subpoenas duplicative and disproportionate; the requests to Longbow are exceedingly overbroad and disproportionate (all the more so in light of the fact that Dale never joined Longbow); and the subpoenas to Berman and Cardoso are harassing and disproportionate as they seek communications obtainable from and produced by Defendants, and beyond that are an impermissible fishing expedition. The Clerk of Court is respectfully requested to terminate the motion at Dkts. 403 and 404.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 15, 2022
New York, New York

Copies transmitted this date to all counsel of record.